

## **June 12, 2009 - A Victory for Democracy and Open Government**

Last night we learned that a provision banning the release of prisoner abuse photos was dropped from the supplemental war spending bill. At its core, this is a major victory for democracy and open government because it means that the Freedom of Information Act (FOIA) will be left intact.

For the past weeks, I have been fighting to preserve FOIA. For me this was not about the photos but upholding one of the strongest pieces of legislation our government has ever passed to guard against abusive government secrecy.

With specified exceptions, FOIA grants access to federal agency records and disputes over this access should be settled in court. Simply put, by granting access to government information, FOIA ensures transparency in our government. At the same time, if there is good reason for information not to be released publicly, then the Administration can win in court for the information to be withheld.

What happened recently, however, is that there was a proposal to circumvent this process by attempting to insert a provision into a supplemental spending bill that would retroactively change FOIA by allowing the government to suppress any pictures taken between September 2001 and January 2009 relating to the treatment of war detainees. To suspend FOIA for this period of time could have far reaching implications and inhibit our ability to look into the conduct of the war.

Over the past weeks, we have heard many reasons for why these pictures should not be released publicly. Under our law, it is up to the Administration to argue these reasons and for the courts to decide if they are valid.

Regardless of what an individual legislator believes, myself included, about the release of these images, congressional intervention is inappropriate and undermines government transparency standards that have been in place for over 40 years.

Let me be clear - I am immensely proud of our troops and have a long history of backing initiatives to protect them overseas and provide for them when they return home. But I also respect what they are fighting for - our country and our country's values.

Resorting to extreme measures to get around the judicial process is a terrible precedent to set and not in line with the values we hold dear.

(Posted on DailyKos [here](#) )